



IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
THE HON'BLE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA
AND
THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY
Special Appeal No.197 of 2026
3rd June, 2026

Jag Ram

-----Appellant

Versus

State of Uttarakhand and Others

----Respondents

Presence:-

Mr. Pankaj Miglani and Mr. Aakib Ahmed, learned counsel for the appellant.

Mr. J.C. Pandey, learned Standing Counsel for the State of Uttarakhand.

JUDGMENT : (per Mr. Manoj Kumar Gupta C. J.)

1. The present intra-court appeal is directed against the order of learned Single Judge dated 22.04.2026 passed in WPSS No.604 of 2020 by which the writ petition filed by the appellant /petitioner seeking quashing of letter dated 11.03.2020 issued by the Executive Engineer, Jal Vigyan Shodh Ikai-1, rejecting his claim for pension, has been dismissed.

2. The brief facts are that the petitioner was employed as a daily wager in the department in the year 1971 and he served as a muster roll employee upto the year 1992. Thereafter, his services were discontinued by an oral order. Aggrieved thereby, the petitioner approached the Labour Court and the Labour Court passed an award in his favour directing his reinstatement but



without back wages. The State challenged the award of the Labour Court by filing WPMS No.1429 of 2012. The said petition was disposed of by this Court by order dated 22.09.2014 and in substitution of the order of reinstatement the writ court directed for payment of one-time compensation in a sum of ₹3 lakh to the petitioner /appellant.

3. It is not disputed that the aforesaid amount of ₹3 lakh along with interest had been paid to the appellant on 29.03.2016.

4. After receiving the said amount, the appellant raised claim for payment of pension which came to be rejected by the Executive Engineer by the letter impugned in the writ petition. The Executive Engineer while rejecting the claim for pension has observed that the petitioner had not completed ten years of regular service in the department and, consequently, he was not entitled to pension.

5. The learned Single Judge has dismissed the writ petition taking into consideration the order passed by this Court in WPMS No.1429 of 2012 whereby the appellant was only granted compensation and the relief of reinstatement granted by the Labour Court was disallowed. The Court has also held that the petitioner,



who had only worked as a daily wager and his service got discontinued in 1992 would not be entitled to any pension.

6. Shri Pankaj Miglani, learned counsel for the appellant submits that the appellant had relied on Government Order dated 01.07.1989 in support of his contention that even a temporary Government Servant is entitled to pension. He submits that the learned Single Judge has not considered the said Government Order.

7. We have gone through the Government Order dated 01.07.1989 and we find that it only deals with the cases where employee had worked in temporary capacity for more than ten years but before his services could be regularized he retires.

8. In the instant case, the service rendered by the petitioner /appellant was not as a temporary employee but as a muster roll employee on daily wages. Further, the petitioner/appellant had not retired upon attaining the age of superannuation but his services were dispensed with.

9. Although the termination of service was found to be illegal but, admittedly, only compensation has been granted to the petitioner in full and final satisfaction of all his claims and, consequently, he would not be treated to have retired upon attaining the age of superannuation and thus Government Order in question would also not be applicable.



2026:UHC:4437-DB

10. For the reasons aforesaid, we decline to interfere with the order of learned Single Judge. The appeal is accordingly dismissed.

11. Pending application, if any, also stands disposed of.

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 03.06.2026
SS

**SUKHBANT
T SINGH**

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